

## REMARKS

Reconsideration and allowance are respectfully requested.

The above amendments to the claims have antecedence in the original specification. No new matter has been added. Entry and allowance are requested.

Claims 14 and 26 have been amended to comply with the requirements of 35 USC § 112. In Claim 14, "wherein the forming comprises" refers back to the forming a carpet web step not the forming an outermost layer. Claim 26 has been limited to claiming the range of 50-100 dry matter/m<sup>2</sup> and therefore is no longer broader than Claim 25.

The subject matter of the invention, as a whole, as particularly pointed out and distinctly claimed in Claims 12-19, 27 and 30 would not have been obvious at the time of invention under 35 USC § 102.

Claims 12-19, 27, 30 are patentable under 35 U.S.C. 102(e) over Higgins et al. (U.S. 2004/0253410) ("Higgins").

Claim 12 discloses a method of constructing a carpet tile with a backing composed of curable polymer that provides rigidity. It is essential to the method that the curable polymer is coated on during the construction of the carpet web itself but is not cured until after the carpet web is completed and ready for punching. This specific order of steps is important so that the carpet web can be manufactured on traditional carpet machinery which requires flexibility so it can be rolled up during construction. Once the polymer is cured the carpet loses its flexibility and thus can no longer be rolled. This methodology is not disclosed in Higgins which is focused on creating a temporary surface that does not need to be affixed to a permanent floor yet does not slip, and not on maintaining flexibility to allow for manufacture on standard carpet equipment.

This is additionally why Claim 27 is not anticipated. There is no disclosure of a plant for producing carpet tiles, and the plant configuration is not implicit as Higgins does not even consider retaining flexibility during the manufacturing process. In fact most of the surfaces disclosed in Higgins, other than carpet, are rigid so that for most of the surfaces in Higgins, retaining flexibility is of no advantage.

Claim 30 discloses a cured polymer layer having a thickness of less than the felt layer. This prevents the polymer layer from penetrating too deeply into the felt layer. Higgins does not disclose this limitation.

The subject matter of the invention, as a whole, as particularly pointed out and distinctly claimed in Claims 20-26, 28, 29 and 31-35 would not have been obvious at the time of invention under 35 USC § 103.

Claims 20-26, 28, 29, 31-35 are patentable under 35 U.S.C. 103(a) over Higgins et al. (U.S. 2004/0253410) ("Higgins").

Claims 20-26 are dependent on Claim 12. Claims 28, 29 are dependent on 27. Since Claims 12 and 27 are not obvious over Higgins, Claims 20-26, 28, 29 are also not obvious. Higgins neither teaches nor suggests maintaining rigidity of the surface it discloses or of using a method or a plant that allows traditional carpet manufacturing equipment to be used. Traditional equipment requiring flexible carpet web that can be rolled up. The sole focus in Higgins is creating sufficient friction for temporary flooring without permanently affixing the temporary surface. Furthermore the present invention specifically achieves the desired rigidity of the carpet square without using PVC or bitumen whereas Higgins teaches a carpet layered with multiple PVC layers, [0147]. PVC and bitumen cause additional expense when being disposed of and therefore avoiding their use is desirable.

Higgins does not Claim 2 of Higgins specifically claims a surface coating in an amount not greater than 50 g/m<sup>2</sup> whereas Claim 34 of the current invention specifically claims a surface coating of no less than 50 g/m<sup>2</sup>.

## CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,

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